

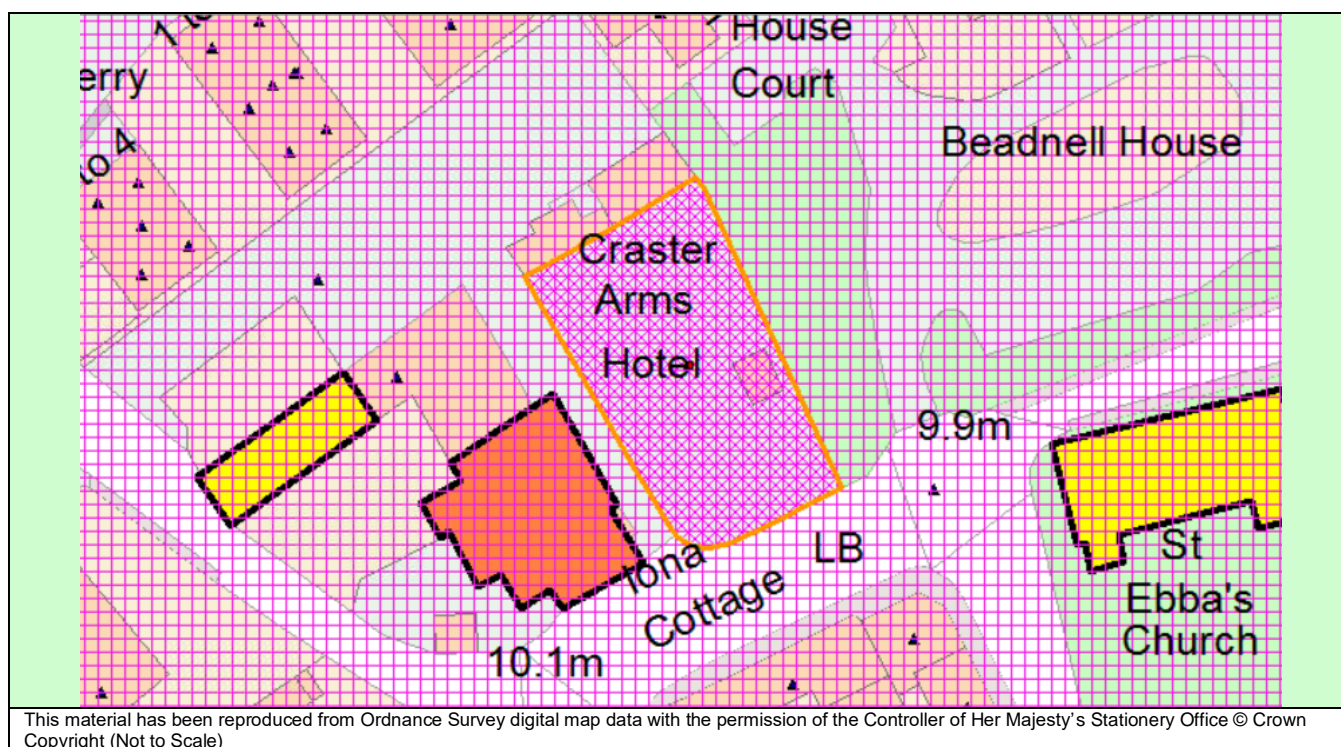


# Northumberland County Council

## North Northumberland Local Area Council Planning Committee 23<sup>rd</sup> June 2022

<b>Application No:</b>	21/03792/FUL		
<b>Proposal:</b>	Retrospective: Construction of outdoor timber serving building and temporary siting of 4 no. all weather restaurant sheds		
<b>Site Address</b>	Land East Of The Craster Arms, The Haven, Beadnell, Northumberland		
<b>Applicant:</b>	Michael Dawson Craster Arms, The Wynding, Beadnell, NE67 5AX	<b>Agent:</b>	Corrina Scott-Roy Fenwick Granary Farmhouse, Beal, TD15 2PL
<b>Ward</b>	Bamburgh	<b>Parish</b>	Beadnell
<b>Valid Date:</b>	15 February 2022	<b>Expiry Date:</b>	12 April 2022
<b>Case Officer Details:</b>	Name: Mr Jon Sharp Job Title: Senior Planning Officer Tel No: 01670 623628 Email: Jon.Sharp@northumberland.gov.uk		

**Recommendation:** That this application be REFUSED permission



### 1. Introduction

1.1 This application falls to be determined by the North Northumberland Local Area Council Planning Committee due to concerns raised regarding the impact of the

proposals upon designated heritage assets leading to a recommendation for refusal contrary to the unanimous support of the Parish Council.

## **2. Description of the Proposals**

2.1 The application seeks full planning permission for the construction of an outdoor timber serving building and temporary siting of 4 no. all weather restaurant sheds within the garden of The Craster Arms Hotel, The Wynding, Beadnell.

2.2 The Craster Arms Hotel is an ashlar fronted former inn with medieval and 18th Century features, located on the north eastern side of The Wynding within the historic core of Beadnell. The buildings are Grade II\* listed under list reference 1276787 The Craster Arms. The application site lies to the east and within the curtilage of the building. The site is within the Beadnell Conservation Area and the Northumberland Coast AONB.

2.3 The proposed dining sheds have the appearance of large garden sheds and are constructed of timber panelling under single ply multi pitched roofs with a footprint of approximately 8 square metres and a maximum height of approximately 2.4 metres.

2.4 The restaurant building is constructed of wood panelling with extensive full height glazed doors to the front elevation, under a monopitch single ply roof with protruding flue. The footprint is approximately 80 square metres and the maximum height is approximately 2.4 metres.

## **3. Planning History**

**Reference Number:** N/89/B/LB4

**Description:** Demolition of existing kitchen and rebuilding of extended new kitchen.

**Status:** Permitted

**Reference Number:** N/82/B/158

**Description:** Extension to existing public bar and upgrading adjoining cottage.

**Status:** Permitted

**Reference Number:** N/82/B/LB14

**Description:** Extension to existing public bar and upgrading adjoining cottage.

**Status:** Permitted

**Reference Number:** N/87/B/102

**Description:** Amenity board, post sign, directional sign and free standing letters.

**Status:** Permitted

**Reference Number:** N/87/B/LB22

**Description:** Proposed signs

**Status:** Permitted

**Reference Number:** N/89/B/0023/P

**Description:** Rebuild & extend kitchen.

**Status:** Permitted

**Reference Number:** N/89/B/LB4

**Description:** Demolition of existing kitchen and rebuilding of extended new kitchen.  
**Status:** Permitted

**Reference Number:** N/90/B/0042/P

**Description:** New toilets & sun porch & the conversion of gents to store and ladies to gents.

**Status:** Permitted

**Reference Number:** N/90/B/LB04

**Description:** Build new ladies toilet, demolish & rebuild sun porch & convert gents to stores & ladies to gents.

**Status:** Permitted

**Reference Number:** 17/03497/FUL

**Description:** Proposed retention of double doorway and decking area (retrospective)

**Status:** Permitted

**Reference Number:** 21/02570/FUL

**Description:** Installation of car park management system (ANPR system & 4no pole mounted 800mm x 600mm signs (as amended).

**Status:** Permitted

**Reference Number:** 21/02571/ADE

**Description:** Advertisement consent for Installation of car park management system (ANPR system & 6no pole/wall mounted 800mm x 600mm signs.

**Status:** Permitted

**Reference Number:** 21/02572/LBC

**Description:** Listed building consent for the Installation of car park management system (ANPR system & 4no pole mounted 800mm x 600mm signs (as amended)

**Status:** Permitted

**Reference Number:** 21/04823/FDN

**Description:** Following storm Arwen our Monkey Puzzle Tree is dangerously leaning towards overhead power lines, putting surrounding properties and the general public at risk. Tree Surgeon has confirmed he is available to cut this down on the 16th December.

**Status:** COMMNT

**Reference Number:** N/06/B/1004

**Description:** Erection of a detached annexe following demolition of existing outbuilding.

**Status:** Refused

**Reference Number:** N/05/B/0718

**Description:** Erection of a detached annexe following clearance of the site.

**Status:** Withdrawn

**Reference Number:** N/03/B/0366

**Description:** Installation of broadband internet satellite dish.

**Status:** Permitted

**Reference Number:** N/03/B/0367

**Description:** Installation of broadband internet satellite dish.

**Status:** Permitted  
**Appeals**

**Reference Number:** N/06/B/1004

**Description:** Erection of a detached annexe following demolition of existing outbuilding.

**Status:** Dismissed

#### 4. Consultee Responses

Beadnell Parish Council	Parish Councillors debated the above application and unanimously agreed to support this application.
Highways	No issues arising
Building Conservation	<p>The NPPF (para 200) requires any harm to a designated heritage asset to be supported by clear and convincing justification.</p> <p>ENV 9 (2) sets out how development on public and private open spaces, that are integral to the special character of a conservation area, will be assessed in accordance with part 1b of this policy.</p> <p>This assessment concludes the cumulatively cluttered appearance that has resulted from the siting of these structures is harmful, albeit this is 'less than substantial harm'.</p> <p>NPPF (202), NLP Policy ENV 7 (5) and NLP ENV 9 (1.b) require 'less than substantial harm,' to be weighed against the public benefits of the proposal, including securing an optimum use that is viable and justifiable. Unless a genuine public - not private benefit - is put forward to outweigh this harm the application should be refused.</p>
Public Protection	Public protection have no comments/objections on this consultation.
North Sunderland And Seahouses PC	No response received.
Northumberland Coast AONB	The AONB Partnership is concerned the application has a negative impact on Craster Arms Hotel, a Grade II* listed building, and on the Beadnell Conservation Area. The role of the temporary structures in recovery from the Covid pandemic is recognised however, and it is suggested that that permission, if granted, is for a time-limited period. It is suggested this time limited period is for one year rather than the three requested.
Historic England	No comment

#### 5. Public Responses

## Neighbour Notification

Number of Neighbours Notified	29
Number of Objections	0
Number of Support	0
Number of General Comments	0

## Notices

Site Notice - Conservation & affect LBC, posted 28th February 2022

Press Notice - Northumberland Gazette, published 24th February 2022

## Summary of Responses:

None received

The above is a summary of the comments. The full written text is available on our website at: <http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=QZXZ4RQSJHA00>

## **6. Planning Policy**

### 6.1 Development Plan Policy

#### *Northumberland Local Plan (2022)*

STP 1 - Spatial strategy (Strategic Policy)  
STP 2 - Presumption in favour of sustainable development (Strategic Policy)  
STP 3 - Principles of sustainable development (Strategic Policy)  
ECN 12 - A strategy for rural economic growth (Strategic Policy)  
ECN 15 - Tourism and visitor development  
QOP 1 - Design principles (Strategic Policy)  
QOP 2 - Good design and amenity  
QOP 5 - Sustainable design and construction  
TRA 2 - The effects of development on the transport network  
ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)  
ENV 2 - Biodiversity and geodiversity  
ENV 5 - Northumberland Coast Area of Outstanding Natural Beauty  
ENV 7 - Historic environment and heritage assets  
ENV 9 - Conservation Areas

#### *North Northumberland Coast Neighbourhood Plan (2018)*

Policy 1 - Sustainable Development  
Policy 5 - Design in New Development  
Policy 8 - Sustainable Development Within the Settlements  
Policy 12 - Historic Core Of Beadnell  
Policy 23 - Business And Employment

### 6.2 National Planning Policy

NPPF - National Planning Policy Framework (2021)

NPPG - National Planning Practice Guidance (2021, as updated)

### 6.3 Other Documents/Strategies

National Design Guide (2021)

Beadnell Conservation Area Character Appraisal (2020)

Northumberland Coast AONB Management Plan (2020)

Northumberland Coast AONB Design Guide

The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (2nd Ed) (2017)

Planning (Listed Buildings and Conservation Areas) Act (1990)

## **7. Appraisal**

7.1 In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan comprises the Northumberland Local Plan (NLP) (2022) and the North Northumberland Coast Neighbourhood Plan (NNCNP) (2018). The National Planning Policy Framework (NPPF) (2021) and Planning Practice Guidance (PPG) are material considerations in determining this application.

7.2 Paragraph 219 of the NPPF advises that weight should be given to relevant policies in existing plans according to the degree of consistency with the NPPF i.e. the closer a policy in a local plan accords with the NPPF, the greater the weight that may be given to them. The policies referred to in this report are considered to be in accordance with the NPPF and can therefore be given due weight.

7.3 The application has been assessed against national planning policy and guidance, development plan policies, other material planning considerations and the advice of statutory consultees. The main considerations in assessing this proposal are:

Principle of Development,  
Scale, Design & Visual Impact,  
Residential Amenity,  
Highways,  
Heritage Assets, and  
Impact on AONB.

### Principle of Development

7.4 Policy STP 1 of the NLP seeks to deliver sustainable development which enhances the vitality of communities across Northumberland, supports economic growth and which conserves and enhances the County's unique environmental

assets. The policy sets out a settlement hierarchy which identifies Beadnell as a "small village" which will support a proportionate level of development.

7.5 Policy ECN 12 seeks to support rural business by safeguarding the rural environment, rural communities and traditional rural businesses upon which the rural economy depends.

7.6 Policy 1 of the NNCNP seeks to promote sustainable development and supports development within the plan area which provides for new and expanded business premises. Policy 23 of the same document supports proposals for the extension and expansion of existing businesses within settlements.

7.7 Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings.

7.8 Small scale development of the type proposed within the beer garden of an established business is acceptable in this context.

7.9 As part of the government's response to the Covid 19 pandemic temporary permitted development rights (Part 4 Class BB of The Town and Country Planning (General Permitted Development) (England) (Amendment) (Coronavirus) Order 2021) were introduced in early 2021 permitting the siting of moveable structures on land within the curtilage of cafes, restaurants and drinking establishments such as pubs, including where these are listed buildings. The permitted development right specifies each use or use class that benefits from it - i.e. use Class E(b) (sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises) or the sui generis uses of public house, wine bar, drinking establishment or a drinking establishment with expanded food provision. These provisions were eventually made permanent, however, the siting of such structures is subject to the Prior Approval of the Local Planning Authority and may only be retained for 120 days in any one year. In this case the applicant is looking for permanent permission for the outdoor serving building and temporary permission (3 years) for the restaurant sheds, therefore, planning permission is required.

7.10 As the site is located within the settlement of Beadnell and the proposal would serve to sustain and enhance an established business, the principle of the proposal is accepted. Notwithstanding this, concerns are raised regarding the impacts of the proposal upon the setting of the listed building, conservation area and AONB and these are discussed further below.

### Scale, Design & Visual Impact

7.11 Policy QOP 1 of the NLP seeks to support development which respects its surroundings. The preamble to the policy states that the assessment of design against Policy QOP 1 should be proportionate, taking into account the type, scale and context of the development. Amongst a range of criteria the policy states that development proposals should make a positive contribution to local character and distinctiveness.

7.12 Paragraph 126 of the NPPF attaches great importance to the design of the built environment and states that good design is a key aspect of sustainable

development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 seeks to ensure that developments are sympathetic to local character and design.

7.13 The long and narrow footprint (16m x 5 metres) of the restaurant cabin structure located against the northern boundary of the garden, together with its low height, flat roof profile, facing materials and colour finish allow it to blend into the backdrop of the stone boundary wall. On this basis the design, scale and visual impact of this element of the proposals is acceptable.

7.14 The 4no dining cabins (in reality large garden sheds) are more conspicuous given their locations within the site, their pitched roofs, dark colour and painted murals. Whilst the murals add an element of vibrancy to the development, the overall impact is one of clutter within what was previously an open garden with picnic tables arranged throughout. Views into the site are limited to some extent by the stone boundary wall between the garden and the highway and the site is still understood as a pub beer garden. However, the proposed temporary nature of the buildings mitigates the highlighted concerns sufficiently that they would not warrant a refusal in this respect.

7.15 On this basis the proposal is acceptable in accordance with Policy QOP 1 of the NLP, Policy 5 of the NNCNP and the NPPF.

#### Amenity

7.16 Policy QOP 2 of the NLP seeks to ensure that development would not result in unacceptable adverse impacts on the amenity of neighbouring land uses.

7.17 Paragraph 130 of the NPPF seeks to ensure that developments will create places with a high standard of amenity for existing and future users.

7.18 Due to the location and existing use of the site, there would not be any substantive impacts on neighbouring amenity resulting from the proposals in terms of loss of light, outlook, overbearing, privacy or noise. The siting of the cabins may enable the use of the garden for longer periods however the Council's Public Protection team have responded to consultation raising no concerns. As such the proposal is considered to be in accordance with Policy QOP 2 of the NLP and the NPPF in this respect.

#### Highways

7.19 Policy TRA 2 of the NLP seeks to ensure that all development will minimise any adverse impacts upon the highway network.

7.20 Paragraph 111 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.21 There are no concerns in respect of parking or highway safety arising from the proposals. The Local Highway Authority has responded to consultation noting there would be no changes to the parking arrangements as a result of this application and there would be no loss of off-street parking. The proposal would not result in a material increase in traffic flow to the pub/local area and therefore there are no



objections in principle to the proposals. The proposals are therefore acceptable in accordance with highways policy.

### Heritage Impacts

7.22 The application is within the curtilage of the grade II\* listed Craster Arms and is also within the Beadnell Conservation Area and due consideration must be given to these designated heritage assets.

7.23 The legislative framework has regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) which requires the local planning authority to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural or historic interest which it possesses. The Local Planning Authority must also have regard to Section 72(1) of the Act which requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area.

7.24 Paragraph 199 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

7.25 Policy ENV 7 of the NLP states that development proposals will be assessed and decisions made that ensure the conservation and enhancement of the significance, quality and integrity of Northumberland's heritage assets and their settings. Policy ENV 9 seeks to ensure that development within conservation areas should help to preserve or enhance the character or appearance of that area.

7.26 Policy 12 of the NNCNP relates to the historic core of Beadnell and states that "development proposals within or affecting the setting of the historic core of Beadnell [...] must demonstrate they do not harm this area or its setting through inappropriate scale, height, design, and materials".

7.27 Views into and through the site add to the character and appearance of the Conservation Area and this area also forms part of the historic setting of the listed building. The area to the east of the Craster Arms is an important element of its setting and is directly associated with the former defensive tower house. Hence this open area has historically been within the curtilage of The Craster Arms, as shown intact on the first O/S Map. This relationship is still evident on site due to the existence of a random rubble boundary wall along The Haven.

7.28 Prior to the introduction of the linear restaurant cabin structure, and four standalone dining sheds, this was an attractively grassed open pub garden with picnic benches.

7.29 The Council's Built Heritage & Design Officer has responded to consultation noting that the introduction of built form into an area which has historically been free of structures, even if they are low scale and temporary, can result in overcrowding of

the formerly open setting. Albeit individually the structures are small scale and single storey, the cumulative impact is cluttered.

7.30 The Heritage Statement submitted with the application concludes that the development would not interfere with the fabric of the listed building, as it is sited within a well enclosed curtilage, which is described as having much less significance. Whilst the officer does not dispute this, The Craster Arms has a low-level stone boundary wall, with no other permanent buildings within its curtilage (prior to the introduction of the restaurant cabin and dining sheds, (which are dotted around the curtilage) and consequently there is an impact upon the setting of the listed building.

7.31 The long and narrow linear footprint (16m x 5 metres) of the restaurant cabin structure, together with its low height, flat roof profile and siting along the northern boundary, mean that it is well set back from the public highway to the south (The Haven) and has a limited visual impact in views into and across the site. The facing materials and colour finish allow it to blend into the backdrop of the stone boundary wall, to some extent, with the modern stone-built housing development to the rear. This structure therefore has less impact on the setting of the listed building and is not evident in any views towards the listed Church. However, the four dining cabins, which have pitched roofs and are painted a dark green with murals, three of which are sited on the west boundary, within metres of the side elevation of the listed building, and one on the south boundary which blocks views into and through the site towards the other listed buildings, are harmful to aesthetic value.

7.32 The setting is now cluttered, views of the surrounding listed buildings are interrupted, and the overall character and appearance of the historic core of Beadnell, which is a designated conservation area, has been impacted. Policy ENV 9 (1.c) is clear that development in conservation areas should enhance and reinforce local distinctiveness and wherever possible, better reveal its significance. Any development must respect architectural and historic character and cultural associations, including historic plot boundaries, layouts, densities, patterns of development, existing buildings and structures and the contribution made by open areas.

7.33 The siting of five structures, albeit some of which are temporary, within the setting of the Grade II\* listed building has resulted in harm to its aesthetic and historic significance. The cumulative impact of so many structures in the immediate setting of the listed building, and the resulting impact on the character and appearance of the conservation area is considered to be harmful, albeit this would be 'less than substantial.' within the terms of the NPPF.

7.34 Paragraph 202 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use".

7.35 Policy ENV 9 (2) of the NLP sets out how development on public and private open spaces, that are integral to the special character of a conservation area, will be assessed in accordance with part 1b of the policy, which requires 'less than substantial harm,' to be weighed against the public benefits of the proposal, including securing an optimum use that is viable and justifiable.

7.36 Whilst some of the structures are proposed to be temporary, the justification provided in the Heritage Statement regarding the ongoing viability of the business does not sufficiently address this. Given that all restrictions have now been lifted, it is officer opinion that Covid related adjustments are not sufficient to justify the type of development proposed and whilst the restaurant structure may be acceptable on its own, the proposal is for the restaurant structure and dining sheds and must be considered as such. It is therefore considered that the harm identified is not outweighed by genuine public benefits and as such the proposal is contrary to Policies ENV 7 and ENV 9 of the NLP, Policy 12 of the NNCNP, the NPPF and the PLBCAA.

#### Impact on AONB

7.37 The application site falls within the Northumberland Coast AONB and as such due consideration must be given to this designated asset.

7.38 Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. Case law shows that giving 'great weight' means placing the conservation of the landscape and scenic beauty of an AONB into a special category of material consideration rather than simply weighing it in the planning balance.

7.39 Policy ENV 5 of the emerging NLP states that the special qualities of the Northumberland Coast Area of Outstanding Natural Beauty will be conserved and enhanced, having regard to the current AONB Management Plan and locally specific design guidance.

7.40 Policy 5 of the NNCNP states that all new development in the Neighbourhood Area, including extensions and conversions, should incorporate high quality design which, for areas within the Northumberland Coast AONB, will include incorporating the principles contained in the most recent version of the Northumberland Coast AONB Design Guide.

7.41 The AONB Partnership responded to consultation raising concerns that the proposal has a negative impact on the Grade II\* listed building and upon the Beadnell Conservation Area. Whilst recognising the original purpose of the structures as part of the business' covid recovery strategy, it is considered that any temporary permission should be for a shorter period of time than the three years requested. Whilst the pandemic required this valued and successful business to adapt, the beer garden is considered to be over-developed in its current state. As such the proposal does not conserve or enhance the special qualities of the AONB and is contrary to Policy ENV 5 of the NLP and the NPPF.

#### Other Matters

7.42 The comments received from the Parish Council are noted and have been taken into account in the assessment of the application.

#### Equality Duty

7.43 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

#### Crime and Disorder Act Implications

7.44 These proposals have no implications in relation to crime and disorder.

#### Human Rights Act Implications

7.45 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.

7.46 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

7.47 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

### **8. Conclusion**

8.1 The concerns raised in respect of the visual impacts of the proposal, the harm identified to designated heritage assets and the impact upon this part of the AONB have been taken into account in the assessment of the application.

8.2 Notwithstanding the support of the Parish Council, in light of the concerns raised, the proposal is not in accordance with national and local planning policies and accordingly planning permission should not be granted.

### **9. Recommendation**

9.1 That this application be REFUSED permission subject to the following:

Conditions/Reason

1. Impact on Designated Heritage Assets

The siting of the structures, albeit temporary, within the setting of the Grade II\* listed building would result in harm to its aesthetic and historic significance. The setting is now cluttered, views of the surrounding listed buildings are interrupted and the overall character and appearance of the historic core of Beadnell, which is a designated conservation area, has been impacted. The proposal does not therefore accord with Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policies ENV 7 and ENV 9 of the Northumberland Local Plan (2022), Policy 12 of the North Northumberland Neighbourhood Plan (2018) or Chapter 16 of the NPPF.

2. Impact on AONB

The proposal fails to conserve or enhance the Northumberland Coast AONB and is therefore contrary to Policy ENV 5 of the Northumberland Local Plan and paragraph 176 of the NPPF.

**Background Papers:** Planning application file(s) 21/03792/FUL